

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2359

Introduced by Assembly Member Williams

February 18, 2016

An act to add Section 16001.1 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2359, as amended, Williams. Foster care placement: resource family rights.

Existing law provides for the placement of certain children in foster care, relative placement, adoptive homes, or resource families under the supervision of the State Department of Social Services and county welfare departments. Existing law establishes rights for minors and nonminors in foster care, including the right to live in a safe, healthy, and comfortable home where he or she is treated with respect.

~~This bill would establish specified rights for foster families, kinship guardians and relative placements, adoptive families, and resource families, including the right to receive specified information from the department and the right to be treated with dignity, respect, trust, and consideration as a member of the professional team caring for foster children.~~ *require the State Department of Social Services to convene a resource family rights working group made up of specified participants, including, among others, a representative of the Office of the State Foster Care Ombudsperson. The bill would require the working group, by January 1, 2018, to evaluate existing resource family rights and make recommendations to the Legislature for revising existing resource family rights and establishing new resource family rights. The bill would*

require the working group to consider recommending to the Legislature specified resource family rights, including, among others, the right to be treated with dignity, respect, trust, and consideration as a resource family and a member of the professional team caring for foster children. The bill would also require the working group, by July 1, 2018, to, among other things, develop standardized information regarding existing resource family rights and its proposed revisions of, and additions to, those rights.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16001.1 is added to the Welfare and
 2 Institutions Code, to read:
 3 16001.1. ~~(a) It is the policy of the state that all caregiver~~
 4 ~~members of a foster family, adoptive family, or resource family~~
 5 ~~or a kinship guardian shall have the following rights:~~
 6 (a) *In order to develop resource family rights and educate*
 7 *resource families and the public about those rights, the State*
 8 *Department of Social Services shall convene a resource family*
 9 *rights working group.*
 10 (b) *The working group shall do all of the following:*
 11 (1) *By January 1, 2018, evaluate existing resource family rights,*
 12 *if any, and make recommendations to the Legislature for revising*
 13 *existing resource family rights, if any, and establishing new*
 14 *resource family rights. The working group shall consider*
 15 *recommending the establishment of the resource family rights*
 16 *identified in subdivision (d).*
 17 (2) *By July 1, 2018, do all of the following:*
 18 (A) *Develop standardized information regarding existing*
 19 *resource family rights and the working group’s proposed revisions*
 20 *of, and additions to, those rights.*
 21 (B) *Develop recommendations regarding methods for*
 22 *disseminating the information developed pursuant to subparagraph*
 23 *(A).*
 24 (C) *Develop recommendations for measuring, and a plan for*
 25 *increasing, resource families’ knowledge of their rights.*
 26 (c) *The working group shall be composed of all of the following:*

1 (1) *A representative of the Office of the State Foster Care*
2 *Ombudsperson.*

3 (2) *A representative of the County Welfare Directors Association*
4 *of California.*

5 (3) *A representative of the Chief Probation Officers of*
6 *California.*

7 (4) *A representative of the County Behavioral Health Directors*
8 *Association of California.*

9 (5) *At least one current and one former foster youth.*

10 (6) *At least one resource family.*

11 (7) *Representatives from children’s advocacy groups.*

12 (8) *Representatives from foster care facilities’ associations.*

13 (9) *Any other parties identified by the department.*

14 (d) *Pursuant to paragraph (1) of subdivision (b), the working*
15 *group shall consider recommending to the Legislature the*
16 *establishment of all of the following resource family rights:*

17 (1) *The right to be treated with dignity, respect, trust, and*
18 *consideration as a resource family and a member of the professional*
19 *team caring for foster children.*

20 (2) *The right to receive from the department information about*
21 *available training and support for the purpose of improving skills*
22 *in providing daily care, meeting the special needs of the child in*
23 *foster care, and understanding the rights and responsibilities of a*
24 *resource family.*

25 (3) *The right to be provided a current explanation of the role of*
26 *the State Department of Social Services and a means by which the*
27 *resource family can contact the department 24 hours a day, seven*
28 *days a ~~week~~ week, for the purpose of receiving assistance.*

29 (4) *The right to work with the department to facilitate the*
30 *placement of a child who can participate in, and benefit from, the*
31 *resource family’s customs and routines.*

32 (5) *The right to refuse placement of a particular child within*
33 *their home.*

34 (6) *The right to receive the child’s needs and services plan and*
35 *health and education summary within 30 days of a first placement*
36 *and 48 hours on subsequent placements. In addition, the department*
37 *shall, prior to placement, provide available information about the*
38 *child’s characteristics and behaviors that may assist the resource*
39 *family in meeting the child’s needs and safeguarding the health*
40 *and safety of all members of the resource family.*

1 (7) The right to receive timely financial reimbursement as per
2 state rate-setting guidelines found in the State Department of Social
3 Services Manual of Policies and Procedures for the care of a child
4 in foster care.

5 (8) The right to be provided by the department with a copy of
6 the child’s written case plan with timely updates as the plan
7 evolves, including, but not limited to, all available information
8 regarding the child’s contact with his or her birth family.

9 (9) The right to provide input to the department concerning the
10 child’s case plan, including issues of safety, permanency, and
11 well-being, and the right to have that input considered in the
12 ongoing development of the child’s case plan.

13 (10) The right to be invited and encouraged by the department
14 to actively participate in the case planning and decisionmaking
15 process regarding the child. This includes attending team
16 decisionmaking meetings and other meetings, as appropriate.

17 (11) The right to be permitted by the department to communicate
18 pertinent information pertaining to a child in their care with
19 professionals who work with the child, including the child’s
20 doctors, dentists, school personnel, and any other professionals
21 approved by the department.

22 (12) The right to be provided a current explanation and
23 understanding of the role of the department and the role of the
24 members of the child’s birth family in the child’s foster care, with
25 updates as the child’s case plan evolves.

26 (13) The right to be notified by the department of all court
27 hearings pertaining to the child. This notification shall include,
28 but is not limited to, notice of the date, time, and location of the
29 hearing, the court case number, and the caretaker statement form.
30 The notification shall be made according to the time frames
31 required by law, and at the same time that notification is issued to
32 birth parents.

33 (14) The right to be considered by the department as a permanent
34 placement for the child, who, after being in the resource family’s
35 home, becomes free for adoption or permanent foster care
36 placement.

37 (15) The right to request training, counseling, or other assistance
38 to preserve the child’s placement.

39 (16) The right, after the resource family’s and department’s
40 joint efforts to preserve the placement have failed, to request, upon

1 seven days' notice to the department, the removal of a child for
2 good reason.

3 (17) The right to be provided by the department with timely
4 notification of changes to or termination of the placement and the
5 reasons for the changes to or termination of placement, except in
6 instances of immediate response for the protection of the child or
7 in compliance with orders of the court.

8 (18) The right to receive notice of termination of foster care
9 placement seven days prior to termination, unless the child is
10 physically or psychologically endangered, the court orders removal,
11 a parent or guardian in a voluntary placement orders removal, there
12 is a signed waiver from a parent member of the resource family,
13 or removal is from an interim placement directly into an adoptive
14 home. In addition, the resource family shall have the right to utilize
15 the department's grievance procedures to request a hearing on the
16 reasons for termination of the placement.

17 (19) The right to be considered as the fourth in line for
18 placement, after a previous noncustodial parent, a family member,
19 or a nonrelative extended family member, when a foster child
20 formerly placed with the resource family is to be reentered into
21 foster care.

22 (20) The right to receive from the department, upon request,
23 copies of documents contained in the department's licensing file
24 regarding the resource family home, except those that are deemed
25 confidential by state law unless released pursuant to court order.

26 (21) The right to confidentiality regarding contact information
27 in the resource family home, unless disclosure is ordered by the
28 court.

29 (22) The right to be free from discrimination, as defined by
30 Section 16013, coercion, and retribution by the department.

31 (23) The right, if a child abuse or neglect investigation against
32 the resource family ensues, to have the investigation initiated within
33 10 days of the department's receipt of the allegation, and the right
34 to be kept informed of the status of the investigation.

35 (24) The right to be advised by the department of complaint and
36 grievance procedures.

37 (25) The right to file a complaint or, when applicable, a
38 grievance in response to violations of this section using the
39 department's established grievance procedures.

40 (b)

- 1 (*e*) For purposes of this section “resource family” means a foster
- 2 family, adoptive family, relative placement or kinship guardian,
- 3 or a resource family.

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